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September 2, 2003

COUNSELORS AT LAW
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PATENT, TRADEMARK
AND COPYRIGHT LAW
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In re Application of	:	Peter S.J. Cheestham et al.
Serial No.	:	09/914,224
Filing Date	:	August 23, 2001
Examiner	:	Keith D. Hendricks
Group Art Unit	:	1761
Entitled	:	FLAVOUR/AROMA MATERIALS AND THEIR PREPARATION
Docket No.	:	0380-P02653US0

Dear Sirs:

Applicants, by their undersigned attorneys, are submitting herewith, via fax, a copy of a Request For Listing Of References, which was previously submitted for filing in the above-referenced patent application. The original of the Request For Listing Of References was forwarded to the United States Patent and Trademark Office, with a Certificate of Mailing Under 37 C.F.R. §1.8(a) on July 16, 2003.

The present fax submission is being made at the suggestion of Examiner Keith Hendricks.

Respectfully submitted,



Patrick J. Hagan
PTO Registration No. 27,643

PJH:jmn
Enclosure

In re the Application of:

Peter S.J. Cheetham, et al.

Application No: 09/914,224

Filing Date: August 23, 2001

For: FLAVOUR/AROMA MATERIALS
AND THEIR PREPARATION

The following paper has been received:

: Request for Listing of References
: Form PTO-1449
: Copy of ISR Form PCT/ISA/210
: w/Certificate of Mailing Under 37 CFR 1.8(a)

The Patent and Trademark Office is respectfully requested to place its STAMP and the POSTAL CARD
and place it in the outgoing mail.

Mailed: July 16, 2003

By: Patrick J. Hagan, Esq. (jmn)

Attorney Docket: 0380-P02653US0

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Peter S.J. Cheetham et al.
Serial No. : 09/914,224
Filing Date : August 23, 2001
Examiner : Keith D. Hendricks
Group Art Unit : 1761
Entitled : FLAVOUR/AROMA MATERIALS AND THEIR
PREPARATION

OFFICIAL

1601 Market Street, Suite 2400
Philadelphia, PA 19103
(215) 563-4100 (telephone)
(215) 563-4044 (facsimile)
Our File No. 0380-P02653USO

Certificate of Mailing Under 37 C.F.R. §1.8(a):

I hereby certify that this correspondence is being deposited on July 16, 2003 with the United States Postal Service as first-class mail in an envelope properly addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Janice M. Nightlinger
Janice M. Nightlinger

REQUEST FOR LISTING OF REFERENCES

A Notice of Allowance was issued June 3, 2003 in the above-identified patent application. Prior to paying the issue fee, applicants are submitting herewith a Form PTO-1449 listing references from the International Search Report (ISR) in PCT/GB00/00654, on which the present U.S. national stage application is based. A copy of the ISR (Form PCT/ISA/210) from the aforementioned PCT application is also submitted herewith.

It is respectfully requested that the references listed on the Form PTO-1449 be considered and that such consideration be

indicated on the record in the present application. The action requested with respect to these ISR references is in accordance with the following provision of §1893.03(g) of the Manual of Patent Examining Procedure:

When all the requirements for a national stage application have been completed, applicant is notified (Form PCT/DO/EO/903) of the acceptance of the application under 35 U.S.C. §371, including an itemized list of the items received. The itemized list includes an indication of whether a copy of the International Search Report and copies of the references cited therein are present in the national stage file. The examiner will consider the documents cited in the International Search Report, without any further action by applicant under 37 CFR §1.97 and 1.98 when both the International Search Report and copies of the documents are indicated to be present in the national stage file. The examiner will note the consideration in the first Office Action [emphasis added].

The Notice of Acceptance Under 35 U.S.C. 371 and 37 C.F.R. 1.494 (copy attached) in this application indicates that both the ISR and copies of the references cited therein are present in the official file.

Furthermore, Myers et al. (WO 96/39859) which is an ISR reference, is mentioned in the comments under the heading "Allowable Subject Matter" in the November 6, 2002 Official Action. The context in which Myers et al is mentioned, indicates that the Examiner has considered the ISR references. In any event, the requirement that the Examiner consider these references is clear in the above-quoted MPEP section. Accordingly, the Examiner is respectfully requested to confirm that the ISR references have been duly considered by initializing and returning a copy of the attached Form PTO-1449 to the undersigned.

In the event any fee is due in connection with the consideration of this request, the Commissioner is authorized to charge any such fee to the account of the undersigned attorneys,

Deposit Account No. 04-1406. A duplicate of this paper is enclosed

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By Patrick J. Hagan
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INFORMATION DISCLOSURE STATEMENT

Application Number: 09/914,224

Filing Date: August 23, 2001

First Named Inventor: Peter S.J. Cheetham, et al.

Group Art Unit: 1761

Examiner Name: Keith D. Hendricks

Sheet 1 of 1

Attorney Docket No. 0380-P02653US0

UNITED STATES PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	PATENT NUMBER	ISSUE DATE MM-DD-YYYY	FIRST NAMED INVENTOR

FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	DOCUMENT NUMBER	COUNTRY OR REGION	DATE OF PUBLICATION MM-DD-YYYY	FIRST NAMED INVENTOR OR APPLICANT
	B1	2 301 103	GB	11/27/1998	Danisco A/S
	B2	0 885 968	EP	12/23/1998	Givaudan-Floare Int., S.A.
	B3	0 857 789	EP	08/12/1998	Kyowa Hakko Kogyo Co., Ltd.
	B4	WO 94/13614	WO	03/23/1994	Quest Int. B.V.
	B5	WO 94/02821	WO	02/03/1994	V. Mane Fils S.A.
	B6	WO 96/08576	WO	03/21/1996	I.N.R.A.
	B7	WO 96/39859	WO	12/19/1996	Zyloysis Ltd.

OTHER PRIOR ART - NON-PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	Include name of the author (in Capital Letters), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	C1	FAULDS, C.B. et al. "Release of Ferulic Acid from Wheat Bran by a Ferulic Acid Esterase (FAE-III) from <i>Aspergillus Niger</i> "; Applied Microbiology and Biotechnology, 43(6) 1062-1067 (1995)

EXAMINER'S SIGNATURE	DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP §609. Draw a line through citation if citation not in conformance and reference not considered. Include a copy of this form with next communication to applicant.

Received from <215 563 4044> at 9/2/03 12:10:13 PM [Eastern Daylight Time]

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/GB 00/00654

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C12P7/22 C12P7/24 C12P7/42 C12P39/00 C07C47/58
 C12N15/01 C12N1/14 C12N1/16 //(C12P7/22, C12R1:40,
 C12R1:645, C12R1:68), (C12P7/24, C12R1:40, C12R1:645, C12R1:68),

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C12P C07C C12N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X A	GB 2 301 103 A (DANISCO A/S) 27 November 1996 (1996-11-27) page 4 -page 10; claim 42	1-39, 51-63 40-50
X A	FAULDS C B ET AL: "RELEASE OF FERULIC ACID FROM WHEAT BRAN BY A FERULIC ACID ESTERASE (FAE-III) FROM ASPERGILLUS NIGER" APPLIED MICROBIOLOGY AND BIOTECHNOLOGY, DE, SPRINGER VERLAG, BERLIN, vol. 43, no. 6, 1 January 1995 (1995-01-01), pages 1082-1087, XP000603403 ISSN: 0175-7598 the whole document	1-39, 51-63 40-50
X	EP 0 885 968 A (GIVAUDAN-ROURE (INT.) S.A.) 23 December 1998 (1998-12-23) the whole document	1-39

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents:

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"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document relating to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

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"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"Z" document member of the same patent family

Date of the actual completion of the international search

6 June 2000

Date of mailing of the international search report

13/06/2000

Name and mailing address of the ISA

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Douschan, K

INTERNATIONAL SEARCH REPORT

Pat. Application No

PCT/GB 00/00654

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 (C12P7/42, C12R1:40, C12R1:645, C12R1:68)

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 94 13614 A (QUEST INT. B.V.) 23 June 1994 (1994-06-23) the whole document	1-39
X	WO 94 02621 A (V. HANE FILS S.A.) 3 February 1994 (1994-02-03) the whole document	1-39
X	WO 96 08576 A (I.N.R.A.) 21 March 1996 (1996-03-21) the whole document	1-39
X	EP 0 857 789 A (KYOWA HAKKO KOGYO CO., LTD.) 12 August 1998 (1998-08-12) claims 5-14	1-36
-/-		

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex

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"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (see specified)

"O" document referring to an oral disclosure, use, exhibition or other means

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"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"Z" document member of the same patent family

Date of the actual completion of the international search

6 June 2000

Date of mailing of the international search report

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Form PCT/ISA/210 (second sheet) July 1992

INTERNATIONAL SEARCH REPORT

Intern. Application No.

PCT/GB 00/00654

C. (Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 96 39859 A (ZYLEPSIS LTD.) 19 December 1996 (1996-12-19) cited in the application example 10	37-39